

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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Darrin Stewart,

Civil No. 08-6085 (RHK/SRN)

Petitioner,

**ORDER**

v.

M. Cruz, Warden of FPC Duluth,

Respondent.

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This matter is before the Court on the May 4, 2009, Report and Recommendation (R&R) of United States Magistrate Judge Susan Richard Nelson and Petitioner's Objections thereto. The Court has conducted a de novo review of the R&R and Petitioner's Objections and is satisfied that Judge Nelson's recommended disposition is fully supported by the record before her and controlling legal authorities.

Accordingly, **IT IS ORDERED:**

1. Petitioner's Objections (Doc. No. 26) are **OVERRULED**;
2. The Report and Recommendation (Doc. No. 25) is **ADOPTED**; and
3. The Petition for Habeas Corpus Relief (Doc. No. 1) is **DENIED** and this action is

**DISMISSED WITH PREJUDICE.**

Dated: June 8, 2009

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge